

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DINO PALADINO,

Plaintiff,

- against -

DHL EXPRESS (USA), INC. and
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS AIR FREIGHT CHAUFFEURS,
HANDLERS, WAREHOUSEMEN & ALLIED
WORKERS UNION NO. 295,

Defendants.
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Case No. 07 Civ. 1579 (DRH) (ARL)

**DECLARATION OF SCOTT B. GILLY IN SUPPORT OF
DHL EXPRESS (USA), INC.'S MOTION FOR A BOND FOR COSTS ON APPEAL
PURSUANT TO FEDERAL RULE OF APPELLATE PROCEDURE 7**

SCOTT B. GILLY, an attorney duly admitted to practice in the State of New York, hereby declares under penalty of perjury:

1. I am a partner in the law firm of Thompson Wigdor & Gilly LLP, counsel of record for Defendant DHL Express (USA), Inc. ("DHL"). I submit this declaration in support of DHL's motion for a bond for costs on appeal pursuant to Fed. R. App. P. 7.

2. Attached hereto as Exhibit A is a true and correct copy of the Court's Memorandum and Order dated March 26, 2010, granting Defendants DHL and International Brotherhood of Teamsters Air Freight Chauffeurs, Handlers, Warehousemen & Allied Workers Union No. 295's motions for summary judgment.

3. Attached hereto as Exhibit B is a true and correct copy of the Court's Memorandum and Order dated August 4, 2010, denying Plaintiff's request to proceed *in forma pauperis* on appeal.

4. Attached hereto as Exhibit C is a true and correct copy of Plaintiff's declaration in support of his motion for permission to appeal *in forma pauperis*.

5. Attached hereto as Exhibit D is a true and correct copy of Plaintiff's October 1, 2010 letter to the Court.

6. My firm estimates that DHL's Appellee's Brief will be approximately sixty-five (65) pages, based on the size of briefs we have filed in similar actions in the past and based on the length of the memoranda filed in support of DHL's motion for summary judgment. The Second Circuit Court of Appeals requires six copies of the Brief. *See* Local Rule of the Second Circuit 31.1. My firm has requested a cost estimate for the necessary copies of the Brief, which includes the requisite copies to file with the Court, serve Plaintiff and co-defendant, and have a copy for our firm and client. Attached hereto as Exhibit E is a pre-tax estimate of the cost of photocopying, printing, binding, filing, and service of, as well as the cost of the preparation and transmission of, Appellee's Brief.

7. My firm estimates that our portion of the Joint Appendix, which would include all of the relevant documents necessary to oppose the appeal, will be approximately 600 pages. This number is based on the supporting documents attached to DHL's declarations in support of its motion for summary judgment, and is not an estimate of the size of the entire Appendix. In the event Plaintiff refuses to pay the costs for all or a part of the Appendix that DHL believes should be included, we have calculated an estimate of the cost for DHL's portion of the Appendix. The Second Circuit Court of Appeals requires 3 copies of the Appendix. *See* Local Rule of the Second Circuit 30.1. As 600 pages is about the size of two volumes, my firm has requested a cost estimate for the necessary copies of the Appendix, which includes the requisite copies to file with the Court, serve Plaintiff and co-defendant, and have a copy for our firm and client. Attached hereto as Exhibit F is a pre-tax estimate of the cost of photocopying, printing, binding, filing, and service of, as well as the cost of the preparation and transmission of, a portion of the Appendix.

8. Based on these estimates, the pre-tax cost of photocopying, printing, binding, filing, and service of, as well as the cost of the preparation and transmission of, a portion of Appellee's Brief and the Appendix will be approximately \$3,100. After taxes, my firm estimates the total cost to be approximately \$3,500.

Dated: October 26, 2010
New York, New York



Scott B. Gilly